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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

In re THE RESERVE FUND SECURITIES AND  
DERIVATIVE LITIGATION

09 MD. 2011 (PGG)

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

v.

RESERVE MANAGEMENT COMPANY, INC.,  
RESRV PARTNERS, INC., BRUCE BENT SR., and  
BRUCE BENT II,

Defendants,

and

THE RESERVE PRIMARY FUND,

Relief Defendant.

**ECF CASE**

09 Civ. 4346 (PGG)

**ORDER**

PAUL G. GARDEPHE, U.S.D.J.:

For the reasons stated in open court on March 28, 2012, IT IS HEREBY

ORDERED that:

- (1) the SEC's motion to preclude the Defendant's expert reports (Dkt. No. 421) is DENIED as to Lundelius, and GRANTED in part and DENIED in part as to Fairfax and Painter;
- (2) Defendants' motion to exclude portions of the SEC's summary judgment motion and certain documents submitted in support of that motion (Dkt. No. 415) is DENIED as moot with respect to Defendants' judicial estoppel argument, and otherwise DENIED;
- (3) the SEC's motion for summary judgment as to liability (Dkt. No. 378) is DENIED;
- (4) Defendants' motion for summary judgment is DENIED (Dkt. No. 392); and

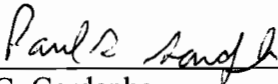
(5) Defendants' motion to strike the Complaint's claims for equitable relief (Dkt. 428) is DENIED.

The Clerk of Court is directed to terminate the motions. (Dkt. Nos. 378, 392, 415, 421, 428)

The parties will submit a letter to this Court by April 6, 2012, setting forth what outstanding issues must be resolved before this case proceeds to trial. A conference in this matter will be conducted on April 9, 2012 at 3:30 p.m.

Dated: New York, New York  
March 28, 2012

SO ORDERED.

  
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Paul G. Gardephe  
United States District Judge